

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 21, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 21st day of November 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to Order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Brummett, City Secretary Feutz, Community Development Director Smith, City Accountant Wallace, Police Chief Wallace, Fire Chief Irwin, Library Director Trent and Economic Development Director Caldera were also present.

Mayor Riley asked City Library Director Joyce Trent to lead the Pledge of Allegiance.

Consider approval of minutes of the Regular City Council Meeting of November 7, 2006.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the minutes of the Regular City Council Meeting of November 7, 2006 as presented. Upon a unanimous vote, the motion carried.

Presentation of Service Award for Employee with 25 Years - Joyce Trent, Library Director.

Mayor Riley presented a gold watch, a service award for twenty-five (25) years of service to the City, to City Library Director Joyce Miller Trent.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any Consent Agenda items to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address Council.

Nita Lange, Chair of the Trade and Market Days Committee thanked Council and City employees for their support of the Trade and Market Days and asked everyone to be an advocate for the event to be held on December 9, 2006 from 9:30 a.m. - 5:00 p.m. Ms. Lange also asked Council for favorable consideration on an item scheduled for later on the agenda, a request for the Northwest Little League (NWLL) to use the Conference Center in exchange for allowing the Trade and Market Day customers and vendors to park on their property.

Phillip Manea, President of the Leon Valley Area Chamber of Commerce, addressed Council thanking Chief Wallace and Lt. Reyes for their recent presentation given to the Chamber on crime prevention and safety. He also reported to Council as a representative of the City on the Regional Mobility Authority's Community Working Group. He stated that he, Al Uvietta, and Marcy Meffert had attended a meeting of the group and reported that the group will be studying twenty-one options to alleviate congestion on Bandera Road.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda Items.

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Consent Agenda

Consider M&C # 11-06-06 - Budget Adjustment for Fire Department to allow purchase of air respiratory equipment through 2005 State Homeland Security Grant Program (\$13,000).

Consider M&C # 11-07-06 - Budget Adjustment for Library to allow purchase of library materials through Loan Star Grant from Texas State Library (\$2,434).

Consider Ordinance for Budget Adjustments to the FY 2007 Budget General Fund for the Fire Department and Library as requested in M&C #11-06-06 and #11-07-06.

Consider M&C # 11-08-06 and attached ordinance - Approval of the tax roll for the City of Leon Valley, Texas, for the Year 2006

Consider M&C # 11-09-06 with attached ordinance - Repeal and Replace City Code Chapter 32 "Schedule of Fees, Section 32.1500 "Standard Administrative Fees", Subsections 32.1500 A through I, with new subsection 32.1500 A through I. These fees will be charged for copies of information requested by the public.

A motion was made by Councilmember Maloy, seconded by Councilmember Dean, to approve the Consent Agenda Items. Upon a unanimous vote, the motion carried.

Regular Agenda

Consider Resolution - Concerning the use of the proceeds of Health Care Revenue Notes (UT Medicine San Antonio Project) Series 2006 and Series 2007, to be issued by the City of Shavano Park Health Facilities Development Corporation to finance certain equipment project costs and to pay certain costs of issuance, relating to health facilities of UT Medicine San Antonio located within the boundaries of Leon Valley, Texas.

Jamie French, a representative from Fulbright and Jaworski law firm, addressed Council presenting an overview of the request stating that Leon Valley's City Council consent was needed for the City of Shavano Park Health Facilities Development Corporation to seek funding in the form of limited obligation revenue notes (Health Care Revenue Notes) which are to benefit a nonprofit corporation, UT Medicine San Antonio. She stated that under the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, Leon Valley is a "sponsoring entity" because the location of one of the UT Medicine business sites that would receive benefit of the loans is located within the city limits of Leon Valley. She explained that the project does not obligate the City and the loan would be used primarily for software for the businesses. Ms. French answered questions from Council and explained that UT Medicine had no connection with the University of Texas system and that they expect to close on the project in mid-December 2006.

A motion was made by Councilman Reyna, seconded by Councilmember Maloy, to postpone a decision on this item until after the City Attorney could review the issue. After discussion, Councilman Reyna and Councilmember Maloy withdrew their motion. A motion was made by Councilmember Rangel, seconded by Councilman Reyna, to accept the resolution as presented. Upon a unanimous vote, the motion carried.

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**Public Hearing to consider M&C # 11-10-06 with attached Ordinance - Repealing and
replacing City Code Chapter 30, "Zoning", in its entirety with a new City Code Chapter 30.
This case was postponed to this date by Council vote on November 7, 2006.**

Community Development Director Smith presented to Council an overview of the proposed changes to the City Code Chapter 30 "Zoning". She explained that the revisions updated Code regulations and definitions, provided a more user-friendly format, and added sections to identify procedures for application processes. She stated that a new zoning district - MX-1 (Mixed Use) was added and district regulations and parking requirements had also been updated by the City Engineer.

Ms. Smith explained that the all proposed revisions were studied by the Zoning Commission in workshops and meetings since May 2006, a legal review was done on the proposed changes, and public hearings and Council's consideration were the final steps in the Code revision process. There was general discussion regarding the districts and uses allowed in zoning districts.

Following Council discussion, amendments to the Code presented were recommended: delete the use "Clothing Store" from the I-1 (Industrial) district, add a Specific Use Permit requirement to the use "Convenience Store" if the use will abut a residential district; remove the use "Entertainment - Outdoor" from the I-1 (Industrial) district; remove the use "School, Vocational" from the B-2 (Retail) district; remove the use "University" from the B-2 (Retail) district.

Mayor Riley opened the public hearing at 7:47 p.m. Seeing no one who wished to address Council on the subject, the Mayor closed the public hearing at 7:50 p.m.

A motion was made by Councilman Reyna, seconded by Councilmember Semmelmann, to adopt the Code as originally presented.

Mayor Riley announced that she would hear motions for each amendment to the proposed Zoning Code.

Following discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve an amendment to add the definition and use of "Pet Store". Upon a unanimous vote, the motion carried.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve an amendment to delete the use "Clothing Store" from the I-1 (Industrial) district. Upon vote, the motion carried.

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve an amendment to require a Specific Use Permit (SUP) for the use "Convenience Store" in a B-2 (Retail) district if it will abut a residential district. Following discussion, Councilmembers Maloy and Rangel withdrew their motions.

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve an amendment to delete the use "Entertainment - Outdoor" from the I-1 (Industrial) district. Upon vote, the motion carried.

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A motion was made by Councilmember Maloy, seconded by Councilmember Dean, to approve an amendment to delete the use "School - Vocational" from the B-2 (Retail) district. Upon votes of four (4) for the motion and one (1) against the motion, the motion carried. Councilman Reyna did not vote in favor of the motion.

The Mayor called for a roll call vote to approve the request to repeal and replace City Code Chapter 30 "Zoning" as originally presented with the four amendments approved at this meeting: Delete the uses "Clothing Store" and "Entertainment-Outdoor" from the I-1 zoning district, and delete the use "School - Vocational" from the B-2 (Retail) zoning district, and add the definition and use "Pet Store" to the Code. Mayor Riley asked for a roll call vote. The roll call vote was as follows: Councilmembers Maloy, Reyna, Semmelmann, Dean, and Rangel voted in favor of the motion. No one voted against the motion. The motion was approved.

Council asked that definitions for the use "Convenience Store" and "Lodge" be brought back to Council for consideration at a later date. Members of the Council expressed their appreciation to the Zoning Commission and to staff for the work done on the code.

Consider Resolution - To support listing the Bandera Road Groundwater Plume in Leon Valley on the Environmental Protection Agency's National Priorities Listing (NPL).

Mayor Riley read the resolution in support of listing of the Bandera Road Groundwater Plume on the National Priorities List. She stated that Councilman Reyna has asked for the resolution's language to be amended.

A motion was made by Councilman Reyna, seconded by Councilmember Maloy, to approve the basic resolution as presented. Councilman Reyna then asked that the resolution be amended to strengthen the language and offered alternative language to emphasize that the time and cost for remediation for the contamination site would be extensive and costly to the City. Councilmember Dean recommended changed language regarding contamination of the aquifer.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the amended Resolution. Upon vote, the motion carried to approve the amended Resolution.

Mayor Riley stated that testing results of the City's water wells indicated that there is no PCE or TCE contamination.

Presentation by Police Chief Randall Wallace on "Red Light Cameras" - to explore the option of using cameras to deter motorists from proceeding through red traffic lights.

Police Chief Randall Wallace presented to Council a general overview of information about a program that includes a digital camera system that detects vehicles entering intersections after the traffic light has turned red. He explained the photographs of those vehicles are then sent to staff at the police department to review and approve for citation. He also informed Council that the violation identified by a red light camera is a civil action, not a criminal action.

Council discussed their concerns of an increase in rear-end accidents from vehicles stopping quickly at intersections for fear of being photographed going through the red light and their concerns of protecting due process for the public. They also expressed their concerns about protecting the safety of the general public from those who do not stop properly for red lights at

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intersections. Councilmembers asked for statistical information on the number of accidents caused in Leon Valley due to improper stops at red lights.

City Manager Brummett explained that the presentation was brought to Council to present information only in response to questions from Council on this program.

Consider M&C # 11-10-06 - Request to waive all fees for the Northwest Little League to use the Conference Center for one weekday evening in exchange for use of their parking facilities for parking during Trade and Market Days in 2007.

Economic Development Coordinator Caldera presented Council with a request from the Trade and Market Days Committee Chair to allow the Northwest Little League to use the City's Conference Center without charge in exchange for allowing Trade and Market Days customers and vendors to use the Little League's property for overflow parking on Trade and Market Days in 2007. Ms. Caldera stated that staff would be present at the meeting; therefore, no security charges would be needed and she recommended that all fees be waived except that the organization be asked to provide their own cleanup in lieu of paying the City the \$100.00 cleaning fee.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the request as presented. Upon vote, the motion carried.

Consider Ordinance appointing a member to the Civic Affairs Committee.

Mayor Riley asked Council to consider approval of the appointment of Lydia Stahl to the Civic Affairs Committee.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approve the appointment. Upon vote, the motion carried.

City Manager's report.

City Manager Hank Brummett presented information on the financial status of the City as of the end of October and also gave an overview of moneys not spent, but budgeted, for Fiscal Year 2006.

Mr. Brummett also announced that a new Public Works Director, Byron Vick, had been hired to start work on December 4, 2006. He explained that Mr. Stolz would return to his position as Assistant Director of Public Works at that time. He expressed his appreciation for the work Mr. Stolz had done as the Interim Director while the recruitment process was in progress.

Citizens to be heard.

Residents Olen Yarnell and Al Baldridge asked about other red light enforcement actions and expressed their concerns that additional information was needed to make the right decision on using red light cameras as a traffic law enforcement measure.

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Announcements.

Councilmember Maloy wished everyone a "Happy Thanksgiving" and asked that discussion about guidelines for "Lion's Roar" articles be put on a future agenda for Council discussion before the next "Lion's Roar" deadline.

Councilman Reyna stated that he intends to ask Council in December or January to vote for a non-binding referendum where the citizens of Leon Valley can vote to tell the Regional Mobility Authority (RMA) that they do not want an elevated highway over Bandera Road.

Councilmember Semmelmann expressed his displeasure that the RMA would tell the City of Leon Valley representatives not to discuss what is said in their meetings. He also stated that he felt that the RMA representative should return to RMA with the alternative to consider building a highway along Leon Creek as a solution to the Bandera Road traffic congestion. He asked if Council could consider canceling the December meeting for the holidays.

Mayor Riley suggested that Council may wish to cancel the January 2, 2007 meeting rather than the December 19, 2006 meeting so that everyone can enjoy the holidays.

Councilmember Dean asked that the Council receive a report from the citizens who are serving on the RMA working group after each time they meet. He also commended the Zoning Commission and the Community Development Director for their work on the Zoning Code. Councilmember Dean also complimented citizen Patty Manea for her courage during her illness.

Councilmember Rangel thanked the Police Department for their work in the warrant roundup.

Mayor Riley thanked Library Director Trent regarding her help with the "Coffee with the Mayor" at which attendees heard a presentation by Nancy Marin on Diabetes. She announced that the Civic Affairs Committee would be meeting at 9:00 a.m. on November 28th to decorate the Community Center. She also announced a Council Workshop would be held on Thursday, November 30th.

**Convene into Executive Session in accordance with the Texas Government Code,
Section 551.074, "Personnel Matters" to discuss the City Manager Selection.**

A motion was made by Councilman Reyna, seconded by Councilmember Semmelmann, to not convene into Executive Session. Upon vote, the motion carried.

Reconvene into open session.

Not applicable.

Consider discussion and any action as appropriate from Executive Session.

A motion was made by Councilmember Maloy, seconded jointly by Councilmembers Semmelmann, Reyna, Dean, and Rangel, to approve the contract to appointment of Lanny Lambert as the next City Manager to begin work on January 2, 2007. Upon a unanimous vote, the motion carried.

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Adjourn.

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to adjourn the meeting. Upon vote, the motion carried and Mayor Riley announced the meeting adjourned at 9:25 p.m.

Chris Riley

Mayor

ATTEST:

Marie Feutz

City Secretary

Approved by vote of City Council on December 5, 2006.